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09/269,837 04/26/99 JONES

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EXAMINER

WINSTEDT, I

ART UNIT

PAPER NUMBER

2872
DATE MAILED:

04/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | | |
|---------------------------------|-----------------------|--|
| Application No. 09/269,837 | Applicant(s) Jones | |
| Examiner Jennifer E Winstedt | Art Unit 2872 | |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 34, 35, and 36 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe how the right and left lenses and their respective occluding apertures could be configured to enable independent adjustment relative to each other as required by claim 32 and at the same time have right and left lenses and their respective occluding apertures have synchronized equidistant movement as required by claims 34-36, which are all dependent on claim 32.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 22-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "the user" in lines 17, 22, and 35 of the claim. There is insufficient antecedent basis for this limitation in the claim. Also, the phrase

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"can visually scan and traverse" is indefinite. It is uncertain whether or not the limitation recited after the word "can" is part of the claimed combination. Since claims 23-38 are dependent on claim 22, they inherit this rejection.

Claim 23 recites the limitation "the user" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim. Also, the phrase "can be" in line 8 is indefinite. It is uncertain whether or not the limitation that comes after the phrase "can be" is part of the claimed combination. Since claims 24-28 are dependent on claim 23, they inherit this rejection.

In claim 26, the phrase "can be" in line 4 of the claim is indefinite. It is uncertain whether or not the limitations recited after this phrase are the part of the claimed are part of the claimed combination.

In claim 28, the phrase "can be" in line 5 of the claim is indefinite. It is uncertain whether or not the limitations that come after this phrase are part of the claimed combination.

In claim 30, the phrase "can be" in line 3 of the claim is indefinite. It is uncertain whether or not the limitations recited after this phrase are part of the claimed combination.

In claim 31, the phrase "can be" in line 3 of the claim is indefinite. It is uncertain whether or not the limitations that come after this phrase are part of the claimed combination.

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Claim 34 recites the limitation "the user" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim. Since claims 35 and 36 are dependent on claim 34, they inherit this rejection.

Claim 39 recites the limitation "the user" in line 8 of the claim. There is insufficient antecedent basis for this limitation in the claim. Since claims 40-42 are dependent on claim 39, they inherit this rejection.

Claim 42 recites the limitation "the user" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim. Also, the word "can" in line 6 makes this claim indefinite. It is uncertain whether or not the limitations recited after the word "can" are part of the claimed combination.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22, 29, 31, 37, 39, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt (U.S. Patent 174,893) in view of Kono (JP63-8624) and Huber et al. (U.S. Patent 1,186,786).

Regarding claims 22, 39, and 42, Bierstadt discloses a stereoscopic device comprising a content support portion (see Figure 1), a handheld stereoscopic viewer (B, Figures 1 and 2), and a viewer pivotal chassis (A, Figure 1); the content support portion

being configured to position and support textual, stereographic, and immersive content (see Figure 1); the viewer pivotal chassis being compatibly configured with the viewer and the content support portion to enable the viewer pivotal chassis to couple to the viewer and the content support portion so that the viewer pivotal chassis is interposed between the viewer and the content support portion (A, B, Figures 1 and 2); the viewer pivotal chassis being configured to enable the viewer to be positioned in alignment with the content support portion and the content to facilitate perception of the content (see Figure 1); the viewer pivotal chassis including a plurality of pivotal axes parallel to a line which bisects the left and right lenses of the viewer (see Figure 1), the axes being configured to enable a distance between the viewer and the content to be adjustable, so as to facilitate focal requirements of the user (see Figures 1 and 2); and the viewer pivotal chassis axes also being configured to enable the viewer to function and be movable in a plane that is parallel to a plane common to the surface of the content so that the user can visually scan and traverse up and down a length of the content while maintaining focus of the content of the viewer (see Figures 1 and 2). Bierstadt does not disclose the content support portion being proportioned to convey, when the content support portion occupies a full field of view of the viewer when the viewer is at a portion of focalization, content which is configured to convey four visual fields, including a left peripheral monocular field, a left binocular stereo field, a right binocular stereo field, and a right peripheral monocular field, respectively; the viewer being configured to enable interocular adjustment, including adjustable left and right lenses and adjustable occluding apertures configured to enable the right binocular stereo field and the right

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peripheral monocular field to be occluded from the left eye viewpoint and left binocular stereo field and the left peripheral monocular field to be occluded from the right eye viewpoint, respectively; and the adjustable lenses and occluding apertures configured to facilitate interpupillary alignment with the content, to thereby enable the user to fuse the content of the left binocular stereofield with the content of the right binocular stereo field, to thus enable perception of a central binocular stereo field of three dimensional content, and with alignment of the respective occluding apertures, to also enable perception of the left and right peripheral monocular fields of two dimensional content, so that the full field of view, as perceived after fusion by the user, consists of three fields of content including the left and right peripheral monocular fields of two dimensional content interposed by the central binocular stereo field of three dimensional content.

Kono discloses a content support portion (5, Figure 4) that is proportioned to convey, when the content support portion occupies a full field of view of a viewer when the viewer is at a position of focalization, content which is configured to convey four visual fields (see Figures 1, 2, and 4), including a left peripheral monocular field (2, Figure 2), a left binocular stereo field (1, Figure 1), a right binocular stereo field (1, Figure 1), and a right peripheral monocular field (2, Figure 1), respectively; the viewer (3, Figure 4) being configured to enable the user to fuse the content of the left binocular stereo field with the content of the right binocular stereo field, to thus enable perception of a central binocular stereo field of three dimensional content (see Figure 2) and to enable perception of the left and right peripheral monocular fields of two dimensional content (2, Figure 2), so that the full field of view, as perceived after fusion by the user, consists

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of three fields of content including the left and right peripheral monocular fields of two dimensional content interposed by the central binocular stereo field of three dimensional content (see Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the content support portion and the viewer of Bierstadt be configured as suggested by Kono in order to obtain a stereoscopic image accompanied with a distance sense. Huber et al. discloses that viewers being configured to enable interocular adjustment, including adjustable left and right lenses (13, 14, Figure 1) and adjustable occluding apertures (15, 16, Figure 1) configured to enable a right field to be occluded from the left eye viewpoint and a left field to be occluded from the right eye viewpoint, respectively, the adjustable lenses and occluding apertures facilitating interpupillary alignment with a content (page 1, lines 9-18) are well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the viewer of Bierstadt in view of Kono be configured to enable interocular adjustment as Huber et al. suggests in order to allow the viewer to be used by more than one person.

Regarding claims 29 and 31, Bierstadt in view of Kono and Huber et al. discloses that the content support portion is configured to provide a rigid, generally planar surface to position and support in a generally common plane attach at least one surface of a page provided with the content to enable the content to be positioned to be optically conveyed and visually scanned with the viewer while maintaining focus (see Figure 1; Bierstadt). Bierstadt et al. in view of Kono and Huber et al. does not disclose the content support portion being configured to releasably attach, in a manner similar to a

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clipboard, the at least one page. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the content support portion be configured to releasably attach the at least one page, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 37, Bierstadt in view of Kono and Huber et al. discloses that the content support portion, the viewer, and the viewer pivotal chassis are pivotally conformable into a storage configuration that interposes the lenses of the viewer into a shielded position between the viewer pivotal chassis and the content support portion (see Figure 3; Bierstadt).

7. Claims 23, 24, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Kono and Huber et al. as applied to claims 22, 29, 31, 37, 39, and 42 above, and further in view of Jones (U.S. Patent 5,499,136).

Regarding claims 23, 24, and 27 Bierstadt in view of Kono and Huber et al. discloses the claimed invention as described above except for the content support portion is configured to position and support a page axis to enable a plurality of pages to be pivotal, the page axis being parallel to the line which bisects the left and right lenses of the viewer, each of the pages having first and second opposite surfaces, each of the surfaces capable of being pivotally positioned to convey the content optically with the viewer to the user, so that two pivotally exposed page surfaces, which are adjacent to and opposite each other and disposed one on each side of the page axis, in an arrangement commonly known as two spread pages, can be visually scanned with the

viewer while maintaining focus; wherein the content support portion is configured to provide a rigid, generally planar surface to position and support the page axis and the plurality of pages; wherein the plurality of pages and the content support portion are configured to be compatible with each other to enable releasable attachment to each other. Jones (5,499,136) discloses a content support portion that is configured to position and support a page axis to enable a plurality of pages to be pivotal (27D, Figures 34 and 35), the page axis being parallel to the line which bisects the left and right lenses of a viewer (2D, Figures 34 and 35), each of the pages having first and second opposite surfaces, each of the surfaces capable of being pivotally positioned to convey content optically with the viewer to a user (3D, Figure 34 and 3D2, Figure 35), so that two pivotally exposed pages surfaces, which are adjacent to and opposite each other and disposed one on each side of the page axis, in an arrangement commonly known as two spread pages, can be visually scanned with the viewer while maintaining focus (see Figures 34 and 35 and column 22, lines 23-20); wherein the content support portion is configured to provide a rigid, generally planar surface to position and support the page axis and the plurality of pages (27D, Figure 36); wherein the plurality of pages and the content support portion are configured to be compatible with each other to enable releasable attachment to each other (see Figures 12 and 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the content support portion of Bierstadt in view of Kano and Huber et al. be configured as Jones (5,499,136) suggests in order to allow a user to enjoy more than one stereoscopic image at a time.

Regarding claim 25, Bierstadt in view of Kano and Huber et al. further in view of Jones (5,499,136) discloses that the content support portion is configured to provide an articulated, pivotal page support surface, with at least one pivotal axis which is parallel and generally adjacent to the page pivotal axis to thereby enable the device to be conformable into a compact size when in a storage configuration (see Figures 2 and 3; Bierstadt).

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Kano and Huber et al. further in view of Jones (5,499,136) as applied to claims 23, 24, 25, and 27 above, and further in view of Curtin (U.S. Patent 5,000,543).

Regarding claim 26, Bierstadt in view of Kano and Huber et al. further in view of Jones (5,499,136) discloses the claimed invention except for each of the plurality of pages is configured as a transparent sleeve to enable at least two photographic stereographic pairs of the content to be placed back to back and slidably inserted into each sleeve. Curtin discloses that pages that are configured as transparent sleeves to enable as least two photographic stereographic pairs of content to be placed back to back and slidably inserted into each sleeve are well known (88, 90, Figure 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have each of the plurality of pages of as Bierstadt in view of Kano and Huber et al. further in view of Jones (5,499,136) be configured as a transparent sleeve to enable at least two photographic stereographic pairs of the content to be placed back to back and slidably inserted into each sleeve as Curtin suggests in order to allow a variety of 3-D images to viewed.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Kono and Huber et al. as applied to claims 22, 29, 31, 37, 39, and 42 above, and further in view of Curtin.

Regarding claim 30, Bierstadt in view of Kono and Huber et al. discloses the claimed invention except for the page being configured as at least one transparent sleeve, to enable at least one photographic stereographic pair of the content to be slidably inserted into the sleeve so that it can be positioned to be conveyed optically and visually scanned with the viewer while maintaining focus. Curtin discloses a page that is configured as at least one transparent sleeve, to enable at least one photographic stereographic pair of content to be slidably inserted into the sleeve so that it can be positioned to be conveyed optically and visually scanned with the viewer while maintaining focus (88, 90, Figure 15 and column 6, lines 20-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the page of Bierstadt in view of Kono and Huber et al. be configured as at least one transparent sleeve as Curtin suggests in order to allow a variety of 3-D images to viewed.

10. Claims 32, 33, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Kono and Huber et al. as applied to claims 22, 29, 31, 37, 39, and 42 above, and further in view of Stevens (U.S. Patent 262,846).

Regarding claims 32 and 40, Bierstadt in view of Kono and Huber et al. discloses the claimed invention as described above except for the adjustable left and right lenses and respective occluding apertures being configured to enable independent adjustment

relative to each other. Stevens discloses a right optical system and a left optical system that are configured to enable independent adjustment relative to each other (d, F, Figure 2 and page 1, lines 12-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the adjustable left and right lenses and respective occluding apertures of Bierstadt in view of Kono and Huber et al. be configured to enable independent adjustment relative to each other as Stevens suggests in order for the viewer to be able to be adapted to any pair of eyes (page 1, lines 14-15; Stevens).

Regarding claims 33 and 41, Bierstadt in view of Kono and Huber et al. further in view of Stevens discloses the claimed invention as described above except for the adjustable left and right lenses being integrally merged and molded in one piece with the left and right occluding apertures, respectively, so that adjustment of the left and right lenses determines a corresponding adjustment of the merged occluding apertures. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the left and right lenses of Bierstadt in view of Kono and Huber et al. further in view of Stevens be integrally merged and molded in one piece with the left and right occluding apertures, respectively, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

11. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Kono and Huber et al. further in view of Stevens as applied to claims 32, 33, 40, and 41 above, and further in view of Inaba (U.S. Patent 5,701,532).

Regarding claims 34 and 35, Bierstadt in view of Kono and Huber et al. further in view of Steven discloses the claimed invention as described above except for means for providing synchronized equidistant movement of the left and right lenses with the merged occluding apertures towards or away from each other, and at least one slidable adjustment switch to facilitate rapid and precise interocular adjustment of the left and right lenses with the merged occluding apertures, as required and determined by the user; the means for providing synchronized equidistant movement providing pivotal movement of an arm provided with first and second ends and positioned by a fulcrum; the respective first and second ends of the arm being compatibly configured with the respective left and right lenses therewith the merged occluding apertures for coupling thereto each other; a pivotal axis of the fulcrum and pivotal axes of the first and second ends of the pivotal arm being perpendicular to a plane that is common to the left and right lenses. Inaba discloses a means for providing synchronized equidistant movement of left and right lenses towards or away from each other (see Figures 1 and 4), and at least one slidable adjustment switch to facilitate rapid and precise interocular adjustment of the left and right lenses (35, Figure 1; the knob 35 slides radially); the means for providing synchronized equidistant movement providing pivotal movement of an arm provided with first and second pivotal ends and positioned by a fulcrum (37, 39, Figures 1 and 4); the respective first and second ends of the arm being compatibly configured with respective the left and right lenses therewith for coupling thereto each other (see Figures 1 and 4); a pivotal axis of the fulcrum and pivotal axes of the first and second ends of the pivotal arm being perpendicular to a plane that is common to the left

and right lenses (see Figures 1 and 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have include in the stereoscopic viewer of Bierstadt in view of Kono and Huber et al. further in view of Inaba a means for providing synchronized equidistant movement of the left and right lenses with the merged occluding apertures towards or away from each other as Inaba suggests in order to keep the lenses and occluding apertures in proper alignment with each other.

12. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Kono and Huber et al. further in view of Stevens further in view of Inaba as applied to claims 34 and 35 above, and further in view of Frantz et al. (U.S. Patent 3,597,041).

Regarding claim 36, Bierstadt in view of Kono and Huber et al. further in view of Stevens further in view of Inaba discloses the claimed invention as described above except for the means for providing synchronized equidistant movement including a pinion gear meshed with first and second opposing linear gears, each of which slide therein a linear path parallel to the line which bisects the left and right lenses, the respective first and second linear gears being integrally merged and molded in one piece with the left and right lenses and the merged occluding apertures, a rotational axis of the pinion gear being perpendicular to a plane that is common to the left and right lenses. Frantz et al. discloses a means for providing synchronized equidistant movement that includes a pinion gear (22, Figure 4) meshed with first and second opposing linear gears (20, 21, Figure 4), each of which slide therein a linear path parallel to a line which bisects a left and right lenses (see Figure 4), a rotational axis of

the pinion gear being perpendicular to a plane that is common to the left and right lenses (see Figure 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the means for providing synchronized equidistant movement of Bierstadt in view of Kono and Huber et al. further in view of Stevens further in view of Inaba include a pinion gear meshed with first and second opposing linear gears as Frantz et al. suggests in order to allow for interpupillar spacing of the lenses so there is always a visual path through the viewer (column 1, lines 62-64; Frantz et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the respective first and second linear gears be integrally merged and molded in one piece with the left and right lenses and the merged occluding apertures, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

13. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Kono and Huber et al. as applied to claims 22, 29, 31, 37, 39, and 42 above, and further in view of Jones (U.S. Patent 5,309,280).

Regarding claim 38, Bierstadt in view of Kono and Huber et al. discloses the claimed invention as described above except for the content support portion, the viewer and the pivotal chassis are maintained in the storage configuration with releasable fasteners. Jones (5,309,280) discloses a content support portion, a stereoscopic viewer, and a viewer pivotal chassis that is maintained in a storage configuration with releasable fasteners (see Figure 2 and column 4, lines 51-52). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have the content support portion, the stereoscopic viewer, and the viewer pivotal chassis of Bierstadt in view of Kono and Huber et al. be maintained in the storage configuration with releasable fasteners as Jones (5,309,280) suggests in order to keep the stereoscopic viewer shielded and away from the elements.

Allowable Subject Matter

14. Claim 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

Claim 28 is allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest the plurality of pivotable pages, each having first and second opposite surfaces provided with the content, being configured so that the upright direction of the content is oriented towards the pivotal axis of the pages and the pages and the content support portion are compatibly configured to be releasably attached to each other so that the upright content of the first surfaces can be oriented, attached, positioned, pivoted, and viewer sequentially with the viewer and then be released, reoriented, reattached, and repositioned to enable the upright content of the opposite second surfaces to be pivoted and thereby viewed sequentially with the viewer as claimed in the claimed combination.

Response to Arguments

16. In light of the amendments made to the specification, the objections to the drawings and specification are withdrawn.

17. Applicant's arguments filed 1/16/01 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner must point out that Huber and Leasure (Huber et al.) is used solely for the teaching of interocular adjustment.

In response to applicant's argument that the present invention does not utilize any threaded, screw-type interocular adjustment means like Huber et al. does, the examiner must point out that the some the of the claims, such as claim 22, only require the lenses and occluding apertures to be adjustable. Since the lenses and occluding apertures of Huber et al. must certainly be adjustable, Huber et al. reads on that limitation.

In response to applicant's argument that Jones (5,309,280) does not disclose the same device as the present invention, the examiner must point out that Jones (5,309,280) is used solely for the teaching that releasable fasteners are well known.

Applicant's arguments with respect to references Rochwite and Merrick; the limitation of monocular fields; and the visual scanning of the two pages have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E Winstedt whose telephone number is (703) 305-0577. The examiner can normally be reached on 7:30 - 17:00 Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Casandra Spyrou can be reached on (703) 308-1687. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JW
April 16, 2001



Audrey Chang
Primary Examiner
Technology Center 2800